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New Mexico Environment Department
Air Quality Bureau
525 Camino de los Márquez, Suite 1
Santa Fe, New Mexico 87505

**RE: REVIEW OF AIR QUALITY PERMIT APPLICATION NO. 10883 —
YUCCA GROWTH INFRASTRUCTURE, LLC ("YGI MICROGRID")**

Dear Air Quality Bureau:

Date: July 6, 2026

At the request of Bloom Energy, Ramboll has independently reviewed the above-referenced application. Based on our review of submitted materials and extensive experience with similar air permit applications, this application has been prepared consistent with the best practices and methodologies employed by those with knowledge of this field. The emission calculations are well-documented and replicable, and are based on the results of stack testing performed using approved United States Environmental Protection Agency (EPA) test methods. The air dispersion modeling was also prepared consistent with guidance developed by EPA and New Mexico Environment Department (NMED).

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We also write to address one specific issue related to impacts on the nearby ozone nonattainment area. Our conclusion is that the YGI Microgrid does not cause or contribute to that area's nonattainment, and that the record supports the finding the Department must make under 20.2.72.208 NMAC. Four independent points lead to that conclusion.

I. The nearby nonattainment area is an ozone area driven by precursor pollutants.

The relevant nonattainment area is the Sunland Park area in southern Doña Ana County, designated marginal nonattainment for the 2015 8-hour ozone standard and later combined with El Paso County into the El Paso–Las Cruces, TX–NM nonattainment area. The pollutant at issue is ozone, which is not emitted directly but forms in the atmosphere from precursor emissions of nitrogen oxides (NOx) and volatile organic compounds (VOC). The cause-or-contribute question therefore turns on the source's precursor emissions and their relationship to ozone formation in that area.¹

¹ EPA designated the "Sunland Park Area" in southern Doña Ana County as marginal nonattainment for the 2015 8-hour ozone NAAQS (0.070 ppm), effective Aug. 3, 2018 (83 FR 25776). On Nov. 30, 2021, EPA expanded the area to include El Paso County, Texas, and renamed it the "El Paso–Las Cruces, TX–NM" nonattainment area (86 FR 67864). Ozone is not emitted directly; it forms in the atmosphere from precursor emissions of nitrogen oxides

II. The facility is located outside the nonattainment area.

When the State recommended the nonattainment boundary, it examined the monitors in southern Doña Ana County and recommended a boundary limited to the Sunland Park area. It specifically did not include the Santa Teresa area, where this facility is located, because the monitored air quality there met the ozone standard. EPA concurred in that smaller boundary. The facility is therefore sited in attainment/unclassifiable territory adjacent to — but outside — the nonattainment area, and it is reviewed under the ordinary construction-permit program rather than the stricter nonattainment new source review program that applies to major sources located inside the area.²³

III. The State's and EPA's own record attributes the area's ozone to cross-border emissions — not to local sources.

This is the most important point. New Mexico and Texas each submitted demonstrations under Clean Air Act section 179B establishing that the area would have attained the 2015 ozone standard by its attainment date but for emissions emanating from outside the United States. EPA's technical evaluation agreed, finding consistent, direct transport of ozone-forming emissions from the high-emissions Municipio de Juárez, Mexico to the area's monitors on high-ozone days. In other words, the regulators with jurisdiction have concluded, on the weight of photochemical modeling and other evidence, that the area's nonattainment is caused by international cross-border emissions. A new, low-emitting source located outside the boundary cannot fairly be characterized as the cause of — or a meaningful contributor to — a nonattainment condition that the agencies themselves attribute to emissions from across the border.⁴

IV. The technology's emission profile is the opposite of what would contribute to an ozone problem.

Because the YGI Microgrid generates electricity electrochemically rather than by combustion, it produces very little of the nitrogen oxides that drive ozone formation. Its NO_x emissions are approximately 92% lower than those of the gas turbines that were originally planned for this site, and the redesign also eliminated the diesel

(NO_x) and volatile organic compounds (VOC). New Mexico's nonattainment new source review program is at 20.2.79 NMAC.

² N.M. Env't Dep't, Air Quality Bureau, "Ozone" (NMED recommended a nonattainment boundary limited to the Sunland Park area and did not include Santa Teresa or other parts of Doña Ana County where monitored air quality met the standard; the Santa Teresa monitor's ozone levels were below the NAAQS; EPA concurred in the smaller boundary). The commenter should confirm the facility's precise location against the current designated nonattainment-area boundary maps.

³ 20.2.72.208.D NMAC (the Department shall deny a permit if the source will cause or contribute to air-contaminant levels in excess of a national or New Mexico ambient air quality standard); 20.2.72.203.A(4) NMAC (air-dispersion modeling). Because the facility is located outside the designated nonattainment area, it is permitted under the construction-permit program of 20.2.72 NMAC rather than the nonattainment new source review program of 20.2.79 NMAC.

⁴ Under Clean Air Act section 179B, NMED submitted a "Sunland Park Demonstration" and TCEQ an "El Paso County Demonstration" showing the area would have attained the 2015 ozone NAAQS by the Aug. 3, 2021 attainment date but for emissions emanating from outside the United States. EPA's technical evaluation agreed there is consistent, direct transport from the high-emissions Municipio de Juárez, Mexico on high-ozone days, and proposed to determine the area attained but for international emissions, leaving it classified as Marginal. Determination of Attainment ... But For International Emissions ... El Paso-Las Cruces, Texas-New Mexico, 88 FR 14095 (Mar. 7, 2023). Confirm the final-action status before relying on this in a pleading.

generators that would otherwise have added both NOx and particulate matter near the area. Far from increasing the precursor load on this airshed, the technology choice reduces it relative to the combustion alternative that would otherwise serve the same load. The facility does have some VOC emissions, which the application addresses through the Department's monitor-based, case-by-case ozone review and the applicable control requirements; but its profile of the principal ozone precursor — NOx — is among the lowest available for generation of this scale.⁵

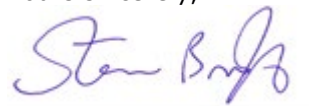
V. The cause-or-contribute finding is supported on the modeling record.

Under 20.2.72.208 NMAC, the Department may deny the permit only if the source would cause or contribute to air-contaminant levels in excess of a national or New Mexico ambient air quality standard. The applicant's EPA-approved dispersion modeling demonstrates that the source's maximum modeled impacts, combined with background concentrations, do not cause or contribute to an exceedance of the directly modeled criteria-pollutant standards at the nearest receptors. For ozone — which is assessed through the State's monitor-based, case-by-case framework rather than single-source dispersion modeling — the source's low precursor emissions, its location outside the nonattainment area, and the international-emissions cause of that area's ozone together demonstrate that it does not cause or contribute to a violation. The same conclusion holds for the more distant PM10 nonattainment area at Anthony, given the facility's near-zero particulate emissions.⁶

VI. Conclusion.

Ramboll respectfully requests that the Department record our technical review of Air Quality Permit Application No. 10883. As noted above - the source sits outside the nearby ozone nonattainment area; that area's nonattainment has been attributed by the State and EPA to cross-border emissions rather than to local sources; the fuel-cell technology emits very little of the precursor most responsible for ozone; and the modeling record demonstrates no exceedance. On each of these independent grounds, the YGI Microgrid does not cause or contribute to the nearby nonattainment area, and the Department can make the finding that 20.2.72.208 NMAC requires. We appreciate the opportunity to comment and are available to provide additional information at the Department's request.

Yours sincerely,



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⁵ Oracle, BorderPlex Digital Assets & Bloom Energy, "Oracle, BorderPlex, and Bloom Energy to Power Project Jupiter with Cleaner, Water-Efficient Fuel Cell Technology" (Apr. 27, 2026) (replacing previously planned gas turbines and diesel generators with a fuel-cell microgrid; approximately 92% reduction in NOx). Bloom Energy, "How Bloom Reduces Emissions" (Technical Note) (non-combustion operation; near-zero NOx, SOx, and particulate matter).

⁶ A separate PM10 nonattainment area exists at Anthony, New Mexico (designated 1991), on the New Mexico-Texas line to the east. It is more distant from the facility, and the fuel cells' non-combustion operation produces near-zero particulate matter. See N.M. Env't Dep't, Air Quality Bureau, "Doña Ana County."